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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.             |
|--|-------------|----------------------|---------------------|------------------------------|
| 10/788,721   | 02/27/2004  | Steven J. Wygant     | BEL0006.US          | 6796                         |
| 7590   | 09/13/2005  |                      |                     | EXAMINER<br>JOHNSON, STEPHEN |
| Todd T. Taylor<br>TAYLOR & AUST, P.C.<br>142 S. Main St.<br>P.O. Box 560<br>Avilla, IN 46710 |             |                      | ART UNIT<br>3641    | PAPER NUMBER                 |
| DATE MAILED: 09/13/2005  |             |                      |                     |                              |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                         |  |
|------------------------------|---------------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>                | <b>Applicant(s)</b>     |  |
|                              | 10/788,721                            | WYGANT, STEVEN J.       |  |
|                              | <b>Examiner</b><br>Stephen M. Johnson | <b>Art Unit</b><br>3641 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,5-7 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 5,10-13 and 17 is/are allowed.
- 6) Claim(s) 1,2,6,7,14-16 and 18-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Stuart.

Stuart discloses clampable bipod comprising:

|   |                     |
|---|---------------------|
| a) a barrel, rail, or stock;                | 10, 16              |
| b) first and second legs;                   | 26, 28              |
| c) a clamp including a plurality of jaws;   | 40, 42, 44, 46      |
| d) a fulcrum between the jaws and the legs; | adjacent 40e or 42e |
| e) an adjustable compression device; and    | 60a, 60b            |
| f) a cushioning device.                     | 44, 46              |

3. Applicant's arguments are addressed as follows. It is argued that Stuart teaches a gun bench in this art and not a bipod. In response, Stuart teaches both a gun bench and a bipod because Stuart meets the definition "A stand having two legs, as for the support of an instrument or a weapons". Note [legs 26 and 28] or [legs 50 and 52]. Just because Stuart contains additional structure does not disqualify Stuart from being a bipod. It is further argued that Stuart is not easily and quickly attached to a shooting device; is not relatively lightweight; cannot be carried by a shoulder strap; and is not suitable for field deployment. In response, since none of these features are claimed, these arguments are moot and need not be addressed further.

4. Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Butler.

Butler discloses clampable bipod comprising:

|   |             |
|---|-------------|
| a) a barrel, rail, or stock;                | 10, 16, 12  |
| b) first and second legs;                   | 26, 28      |
| c) a clamp including a plurality of jaws;   | 48, 50, 70  |
| d) a fulcrum between the jaws and the legs; | adjacent 42 |
| e) an adjustable compression device; and    | 66, 68      |
| f) a cushioning device.                     | 70          |

5. Applicant's arguments are addressed as follows. It is argued that Butler teaches a gun bench in this art and not a bipod. In response, Butler teaches both a gun bench and a bipod because Butler meets the definition "A stand having two legs, as for the support of an instrument or a weapons". Note [legs 26 and 28] or [legs 42]. Just because Butler contains additional structure does not disqualify Butler from being a bipod. It is further argued that Butler is not easily and quickly attached to a shooting device; is not relatively lightweight; cannot be carried by a shoulder strap; and is not suitable for field deployment. In response, since none of these features are claimed, these arguments are moot and need not be addressed further.

6. Claims 1-2, 6-7, 14-16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorensen.

Sorensen discloses clampable bipod comprising:

|   |                      |
|---|----------------------|
| a) a barrel, rail, or stock;                | col. 1, lines 12-14  |
| b) first and second legs;                   | [16, 17] or [66, 67] |
| c) a clamp including a plurality of jaws;   | 19, 20               |
| d) a fulcrum between the jaws and the legs; | see figs. 3, 4       |
| e) an adjustable compression device; and    | 42                   |

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f) a cushioning device.

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7. Applicant's arguments are addressed as follows. It is argued that Sorensen teaches a gun bench or firearm support in this art and not a bipod. In response, Sorensen teaches a gun bench or a firearm support in addition to teaching a bipod because Sorensen meets the definition "A stand having two legs, as for the support of an instrument or a weapons". Note legs [16, 17] or legs [66, 67]. Just because Sorensen contains additional structure does not disqualify Sorensen from being a bipod. It is further argued that Sorensen is not easily and quickly attached to a shooting device; is not relatively lightweight; cannot be carried by a shoulder strap; and is not suitable for field deployment. In response, since none of these features are claimed, these arguments are moot and need not be addressed further. In response to the argument that Sorensen does not teach "positioning said clampable bipod", see col. 1, lines 12-14 of Sorensen which explicitly teaches the usage of the Sorensen device to firmly grip the firearm.

8. Claims 5, 10-13, and 17 are allowed.

9. Applicant's arguments filed 7/7/2005 have been fully considered but they are not persuasive. These arguments have been addressed in the preceding paragraphs of this Office action.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON  
PRIMARY EXAMINER

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ  
September 6, 2005